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8 Attorney for Defendant, *CYNTHIA PHELPS*

9 **UNITED STATES DISTRICT COURT**  
DISTRICT OF NEVADA

10 **UNITED STATES OF AMERICA** )

11 **Plaintiff,** )

12 **v.** )

**2:13-CR-083-JCM-CWH**

13 **DERRICK PHELPS,** )  
14 **CYNTHIA PHELPS,** )

**Defendants.** )  
15

16 **STIPULATION TO CLARIFY WAIVER OF SUPERVISED RELEASE**  
**CONDITION OF DRUG TESTING AND ORDER**

17 **IT IS HEREBY STIPULATED and AGREED** by and between Tony Lopez, Esq.,  
18 Assistant United States Attorney, and David Z. Chesnoff, Esq., Attorney for Defendant Derrick  
19 Phelps, and Richard A. Schonfeld, Esq., Attorney for Defendant Cynthia Phelps, that the  
20 Honorable Court enter an Order clarifying that at the time of sentencing on December 2, 2014,  
21 the Court waived the condition of Supervised Release that would have required drug testing.  
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1 This Stipulation is entered into for the following reasons:

2 1. At Defendants' Sentencing hearing on December 2, 2014, the court waived the  
3 condition of drug testing for both Defendants. *See* ECF 188, p. 84, lines 6-20.

4 2. Said Defendants' Judgments of Conviction do not reflect that the condition  
5 regarding drug testing is waived. *See* ECF 174, p. 3 and ECF 179, p. 3.

6 3. Both Defendants have now been released from BOP custody.

7 4. On April 22, 2020, counsel Robert DeMarco, associate attorney with the law firm  
8 of Chesnoff & Schonfeld, spoke with United States Probation Officer Donnette Johnson via  
9 telephone and provided the above citation to the Sentencing transcript, however, Officer Johnson  
10 indicated that United States Probation would need either an Amended Judgment or a court order  
11 clarifying that the drug testing condition is waived for both Defendants.

12 5. The Judgments can be corrected pursuant to Fed. R. Crim. P. 36, or this  
13 Honorable Court can enter an order consistent with this stipulation.

14 6. The government has no objection to this request.

15 **DATED** this 27th day of April, 2020.

16 UNITED STATES ATTORNEY

CHESNOFF & SCHONFELD

17  
18 /s/ Tony Lopez  
19 TONY LOPEZ, AUSA  
20 501 Las Vegas Blvd. South  
Suite 1100  
Las Vegas, Nevada 89101  
Attorney for Plaintiff

/s/ David Z. Chesnoff  
DAVID Z. CHESNOFF, ESQ.  
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Derrick Phelps

21  
22 CHESNOFF & SCHONFELD

23  
24 /s/ Richard A. Schonfeld  
25 RICHARD A. SCHONFELD, ESQ.  
520 South Fourth Street  
Las Vegas, Nevada 89101  
Attorney for Defendant  
26 Cynthia Phelps

**ORDER**

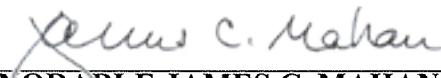
**IT IS HEREBY ORDERED**, that with good cause appearing, the Supervised Release condition of drug testing is waived for Defendants Derrick Phelps and Cynthia Phelps.

The court finds that it previously waived said condition at Defendants' Sentencing hearing on December 2, 2014. *See* ECF 188, p. 84, lines 6-20.

**IT IS FURTHER ORDERED** that Defendants' Judgments of Conviction shall be amended accordingly pursuant to Fed. R. Crim. P. 36.

**IT IS SO ORDERED.**

Dated April 27, 2020.

  
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**HONORABLE JAMES C. MAHAN**  
**UNITED STATES DISTRICT COURT JUDGE**

Respectfully Submitted:

CHESNOFF & SCHONFELD

/s/ David Z. Chesnoff  
DAVID Z. CHESNOFF, ESQ.  
Nevada Bar No. 2292  
Attorney for Defendant, *DERRICK PHELPS*

/s/ Richard A. Schonfeld  
RICHARD A. SCHONFELD, ESQ.  
Nevada Bar No. 6815  
Attorney for Defendant, *CYNTHIA PHELPS*